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March 12, 2018

Ted Tetreault, Building Commissioner  
Douglas C. Willardson, Town Manager  
Paul Laframboise, Chairman Planning Board  
Ann V. Morgan, Director of Planning and Economic Development  
Town of Webster

**HAND DELIVERED TO EACH OFFICE**

**RE: 37 SUTTON ROAD  
CONTINUING USE OF FITNESS AND ATHLETIC TRAINING FACILITY**

Dear Ted, Doug, Paul and Ann:

As you are aware, we have a new tenant that has signed a lease to occupy a portion of our property at 37 Sutton Road, Webster.

It is my understanding that we are being forced to apply for a special permit to use the side of the building previously occupied by Pure Fitness to now be used for a cheerleading and fitness training facility. Pure Fitness moved out of this area of our building October of 2016. They had used it for group classes, weight training, athletic training and speed camp. It was also used for the local girls and boys softball and baseball teams to train in early Spring, which I took advantage of as a coach in Webster for over 12 years. The description cited on the assessor's card says "gym/ath clubs".

I have asked Pat Doherty our civil engineer from Midpoint Engineering and Consulting to prepare an application for review by the Planning Board and eventually seek a permit from ZBA as we were instructed to do by your offices. However, pursuant to Chapter 650 Article 5 SS 650-28 since the discontinued use has only been for 1 ½ years we should be allowed to immediately occupy the space as a non-conforming use.

Similar uses have been allowed in town that compete with my tenant Pure Fitness without seeking special permits as you are requiring of me. Planet Fitness was not required to go thru this process, nor was Anytime Fitness. A month ago Doug asked me to meet with him, which I am always happy to do, to discuss getting new businesses and uses in town. Here I have a new business with a signed lease ready to move to town, and instead of reasonable cooperation, we are facing unnecessary hurdles and road blocks.

For your convenience I have attached the Article which was cited above. I would like to ask that we be approved immediately as a non-conforming use as we are well within the 2 year time allowed by this bylaw.

Sincerely,

Michael O'Brien, Manager  
Great Bay, LLC  
Property Owner

Town of Webster, MA  
Monday, March 12, 2018

## Chapter 650. Zoning

### Article V. Supplementary Provisions

#### § 650-28. Existing buildings.

[Amended 5-2-1978 ATM, Art. 67; 5-10-1999 ATM, Art. 7]

Any nonconforming use, existing at the time of passage of these bylaws may be continued. Such nonconforming building or use may be altered or enlarged to an extent no greater than 25% of the original nonconforming building or use. If any nonconforming structure, land or use is discontinued or abandoned for a period of more than two years it shall conform to the district in which it is located. A nonconforming use may be changed to another nonconforming use provided that such other nonconforming use is not substantially different in its purpose and manner of application and no more harmful or objectionable. No nonconforming use, if once changed to a use permitted in the district in which it is located, shall be changed back to a nonconforming structure or use. Nonconforming uses, structures or lots may only be changed, extended or altered upon approval of a special permit by the Zoning Board of Appeals.

- A. Allowance for second means of egress. Side and rear yard setbacks shall not apply to stairways and entrances necessary for a second means of egress required by the State Building Code. For existing structures not in conformity with these setback requirements, such new stairways and entrances are permitted upon issuance of a building permit provided the Building Inspector determines such components are the minimum needed to satisfy the Code.

[Added 5-10-2004 ATM, Art. 18]